

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

<b>KENNY MUESES,</b>	:	<b>Civil No. 1:21-cv-1807</b>
	:	
<b>Petitioner,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>WARDEN, SCI COAL TOWNSHIP,</b>	:	
<b>et al.,</b>	:	
	:	<b>Judge Sylvia H. Rambo</b>
<b>Respondents.</b>	:	

**ORDER**

Before the court is Magistrate Judge Carlson’s Report and Recommendation (Doc. 10) which recommends that the court dismiss the Petition for Writ of Habeas Corpus (Doc. 1) without prejudice to Petitioner filing a motion pursuant to 28 U.S.C. § 2244(b)(3) for leave to file a successive petition with the United States Court of Appeals for the Third Circuit. No objections have been filed to the report.

In considering whether to adopt a report and recommendation when no objections have been filed, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010) (explaining that judges should review dispositive legal issues raised by the report for clear error). Following an independent review of the record and upon a careful review of the report and recommendation, the court is satisfied that the report and

recommendation contains no clear error and will therefore adopt the recommendation. Accordingly, **IT IS HEREBY ORDERED AS FOLLOWS:**

- 1) The Report and Recommendation (Doc. 10) is ADOPTED;
- 2) The Petition for Writ of Habeas Corpus (Doc. 1) is DISMISSED without prejudice to Petitioner filing a motion pursuant to 28 U.S.C. § 2244(b)(3) for leave to file a successive petition with the United States Court of Appeals for the Third Circuit.
- 3) The Clerk of Court is DIRECTED to close this case.

s/Sylvia H. Rambo  
Sylvia H. Rambo  
United States District Judge

Dated: April 6, 2022